

Troutman Pepper Hamilton Sanders LLP
875 Third Avenue
New York, New York 10022

troutman.com



Jack Thomas

Partner

D 212.704.6102

jack.thomas@troutman.com

March 8, 2022

VIA ECF

Hon. Philip M. Halpern
The Hon. Charles L. Brieant Jr. Federal
Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

**Re: *Delux Public Charter, LLC d/b/a JSX Air and JetSuiteX, Inc et al.*
v. County of Westchester, New York, a charter county et al.
Civil Action No.: 7:22-cv-01930**

Dear Justice Halpern:

We represent Plaintiffs Delux Public Charter, LLC d/b/a JSX Air and JetSuiteX, Inc., XO Global, LLC, and Blade Urban Air Mobility, Inc. (collectively, "Plaintiffs"). We write in accordance with Rules 2.C. and 4.F. of your Honor's Individual Practices in Civil Cases to request a pre-motion conference in connection with Plaintiffs' Proposed Order to Show Cause for Preliminary Injunction and Temporary Restraining Order seeking to temporarily restrain and enjoin Defendants County of Westchester, New York, a charter county, April Gasparri, in her official capacity as Airport Manager, and Avports, LLC (collectively, the "Defendants") from (1) enforcing Westchester County Airport Operational Policy No. 1 ("Policy No. 1"); (2) enforcing the Westchester County Municipal Code § 712.462, the Terminal Use Procedures ("TUP"), as applied to the Plaintiffs and any Part 135 operators utilized by Plaintiffs at Westchester County Airport ("HPN"); (3) preventing or interfering with Plaintiffs continuing operations out of the

March 8, 2022
Page 2



Fixed Base Operators (“FBO”) at HPN; and (4) indirectly violating any of the orders contained therein. Plaintiffs’ arguments for this temporary injunctive relief are set forth in the concurrently filed Plaintiffs’ Memorandum of Law In Support of Its Application for Temporary Restraining Order.

In accordance with Rule 4.F. of Your Honor’s Individual Practices in Civil Cases, and as set forth in my declaration filed with the Application, Plaintiffs notified each of the Defendants of Plaintiffs’ requested Proposed Order to Show Cause for emergency and temporary injunctive relief as follows:

- On March 8, 2022, counsel for Plaintiffs, Steven Allison, spoke with counsel for the County, Senior Assistant County Attorney, Sean Carey. This call was a follow up to an email exchange of the same day between Samrah Mahmoud, also counsel for Plaintiffs, and Mr. Carey. In those communications, counsel for the County made clear that the County opposed Plaintiffs’ request for temporary injunctive relief. The parties also discussed dates for a conference with the Court on Plaintiffs’ request. Although defendants Ms. Gasparri, who is sued in her official capacity, and Avports are agents of the County operating HPN, Mr. Carey stated that a decision had not been made at that point whether the County Attorney would be representing defendants Ms. Gasparri or Avports.
- In an abundance of caution, on March 8, 2022, Ms. Mahmoud sent a similar email to Ms. Gasparri informing her of the application for temporary injunctive relief, asking if she was represented by counsel, and requesting her to inform us of any dates that she was unavailable. As of the time of this letter, Ms. Gasparri has not

March 8, 2022
Page 3



responded.

- In a further abundance of caution, on March 8, 2022, Plaintiffs emailed a letter to Avports informing them of Plaintiffs' application for temporary injunctive relief, as well as faxing it to Avports' agent for service of process, CT Corporation. In addition, we have instructed the process server to include with the summons and complaint a letter to Avports informing them of Plaintiffs' application for temporary injunctive relief. Service of this letter is scheduled to occur on March 9, 2022.

Since Defendants do not consent to Plaintiffs' request for emergency and temporary injunctive relief, and after meeting and conferring with Defendants, Plaintiffs propose the following alternative dates and times for the parties to be heard on Plaintiffs' Proposed Order to Show Cause: (a) March 10, 2022 between 9:00 a.m. and 12:00 p.m. Eastern time, (b) March 11, 2022 between 9:00 a.m. and 12:00 p.m. Eastern time, or (c) March 16, 2022 between 9:00 a.m. and 4:30 p.m. Eastern time, or at a time that is convenient for the Court, so the Court may have the benefit of advocacy from both sides in deciding whether to issue Plaintiffs' Proposed Order to Show Cause and grant temporary and emergency injunctive relief. Plaintiffs understand that the County and their counsel are available at all of the dates and times proposed above.

Respectfully submitted,

/s/ John N. Thomas
John N. Thomas

JT/id